

Appeal Decision

Hearing held on 18 April 2017

Site visit made on 18 April 2017

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24th May 2017

Appeal Ref: APP/R3650/W/16/3161400

Shamley Wood Estate, Woodhill Lane, Shamley Green, Surrey GU5 0SP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R Merriman against the decision of Waverley Borough Council.
 - The application Ref WA/2016/1482, dated 22 December 2015, was refused by notice dated 14 September 2016.
 - The development proposed is re-routing of part of driveway.
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Decision

1. The appeal is allowed and planning permission is granted for re-routing of part of driveway at Shamley Wood Estate, Woodhill Lane, Shamley Green, Surrey GU5 0SP in accordance with the terms of the application, Ref WA/2016/1482, dated 22 December 2015, subject to the conditions set out in the attached schedule.

Application for costs

2. At the Hearing an application for costs was made by Mr R Merriman against Waverley Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. At the Hearing the appellant produced additional traffic data in relation to stopping distances. The parties agreed that such evidence was integral to the main issues and sufficient time was given to the Council to consider the findings. Consequently I find there would be no prejudice to any party from my consideration of these documents in determining the appeal and I have therefore taken them into account.
4. The Council referred me to the emerging 'Waverley Borough Pre-Submission Local Plan Part 1: Strategic Policies and Sites with tracked changes' and considered that Policies RE2 and RE3 should be given significant weight. However, the plan has only recently been submitted for examination¹ and I have no information to suggest the plan is likely to be adopted in the near future and as the newly appointed Inspector has not yet delivered their findings and the policies do not form part of the development plan, in accordance with

¹ June 2016.

paragraph 216 of the National Planning Policy Framework ('the Framework') I have given them only limited weight in my decision.

Main Issues

5. The main issues are:

- Whether the proposal would be inappropriate development within the Green Belt.
- The effect of the proposal on the character and appearance of the area, having particular regard to the Surrey Hills Area of Outstanding Beauty and Area of Great landscape Value.

Reasons

Green Belt

6. There is no dispute between the parties that the proposal would be an engineering operation. Paragraph 90 of the Framework sets out other forms of development that are also not inappropriate in the Green Belt, provided they preserve openness and do not conflict with the purpose of including land within it. This includes engineering operations. Although Policy C1 of the Waverley Local Plan ('LP') is of some vintage and pre-dates the Framework, it is consistent with it I agree with the parties that it should be afforded full weight.
7. Paragraph 79 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and permanence. Openness has both spatial and visual aspects and in this respect, I saw from my visit that the appeal site is an open field that is free of development and contained isolated mature trees along with substantial landscaping and trees at its margins.
8. A bridleway runs to the north of the site and links with a public right of way ('RoW') that runs down along the northern boundary. The field has a steep sloping topography that levels out towards the plateau that the host property is sited upon. The existing access runs through a dense copse of mature trees at a fairly steep gradient as it winds its way up and around the hillside from its junction with Woodhill Lane.
9. The proposed driveway would be glimpsed from a number of areas, including an adjoining RoW and from Shamley Green further afield. Although the proposal would rise up and over part of the field it would be seen against a backdrop of mature trees and would sit on top of the existing ground. On the evidence before me it would not require any cutting in or re-grading of the field's topography and subject to appropriate surface materials, the eye would not be unacceptably drawn to it. As such it would not reduce the openness of the land as seen from these surrounding areas.
10. Whilst additional vehicle movements would be evident in an otherwise undeveloped field, the likely level of traffic movements would be infrequent and short and would not cause any harm to the openness of this part of the Green Belt. Accordingly, the appeal proposal would preserve the openness of the Green Belt.

11. There was no dispute that the proposal would not conflict with purposes 1, 2, 4 and 5 of paragraph 80 of the Framework. There was also no dispute that the proposal would physically encroach into a previously undeveloped part of the countryside. However, this would be largely offset by the removal of the existing driveway which would allow the area of woodland which it currently passes through to regenerate and be restored. To my mind, any encroachment onto the appeal site is substantially offset by this and overall, there would be a neutral effect.
12. Furthermore, openness of aspect is a characteristic quality of the countryside and safeguarding the countryside from encroachment includes the preservation of the quality of that openness. Given its nature and function and because openness would be preserved, whilst the field is undeveloped the proposal would not amount to an encroachment that would cause harm to this part of the countryside. It would not conflict with the purpose of including land in the Green Belt in terms of assisting in safeguarding the countryside from encroachment.
13. For these reasons, the proposal would not be inappropriate development in the Green Belt as defined by Policy C1 of the LP or paragraph 90 of the Framework and there would be no conflict in this regard.

Character and appearance

14. The appeal site lies within the Surrey Hills Area of Outstanding Natural Beauty ('AONB') and an Area of Great Landscape Value ('AGLV'). In the absence of a Landscape and Visual Impact Assessment I share the parties' view that the area is characterised by small agricultural fields and extensive areas of small coppice woods, copses, shaws and hedgerows, identified as the 'Wooded Weald Landscape'. Although part of an AGLV, the Council do not contend that the appeal site or immediate locality had any particular issues or threats above and beyond the consideration of the proposal against the Surrey Hills AONB Management Plan 2009-2019 ('SHMP').
15. On the evidence before me, such driveways are not entirely alien features within the AONB which contains large and isolated dwellings located on ridges, plateaus and within wooded valleys and are commonly accessed from such driveways. From the RoW, as at other points where the track would pass through open land, very little of it would be particularly conspicuous or evident and vehicle movements would be irregular and not significant. Given the proposed method of construction at surface level only and its likely use, any visible sections of the re-routed driveway would appear as a normal and sympathetic part of this rural landscape.
16. Furthermore, the proposed removal of a 210m section of overhead power lines and associated poles would be an enhancement to the AONB. The proposal also details a substantial amount of deciduous broad leaf tree planting that would sweep around the lower slope of the appeal site and along the boundary with the adjoining RoW, containing some 1,300 trees and 300 shrubs. This would further screen views of the proposal and the land is solely within the appellant's control. I am satisfied that whilst the Council have concerns about it resulting in an unnatural appearance, I see no reason why such planting should have an overtly artificial appearance and note that the scheme is in accordance with the recommendations of the Woodland Trust.

17. For these reasons and subject to conditions to secure such planting and removal of the power lines, I find that the proposal would conserve and enhance the landscape and scenic beauty of the AONB and AGLV whilst also encouraging opportunities for improvements to biodiversity. It would not therefore conflict with Policy C3 of the LP, the SHMP or the Framework.

Other considerations

18. Because of my findings that the proposal would not be inappropriate development there is no need for me to consider whether the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to demonstrate very special circumstances. Nonetheless, the additional planting and the removal of overhead power lines, weigh in favour of the proposal.
19. Although the appellant contends that there are maintenance and highway safety issues with the existing driveway, having visited the site I am not persuaded that the surface was in any particular need of urgent maintenance. Furthermore, given the alignment and nature of the track and the slow speed of vehicles using it I do not consider that there is any harm in highway safety terms from the existing driveway. Consequently, such considerations do not weigh in favour of the proposal.

Conditions

20. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. A condition is required to ensure compliance with the approved plans as this provides certainty. A condition requiring details of the materials to be used in the construction of the driveway to be submitted is necessary in order to protect the character and appearance of the area.
21. Conditions requiring details of the planting scheme, including the area of the existing driveway are necessary to protect and enhance the character and appearance of the area and that such works are retained and replaced. Although a planting plan has been submitted, this should also include planting of the area of the existing driveway. I consider a period of 10 years maintenance is appropriate for woodland planting and would ensure that it would become established.
22. A condition for a scheme for the removal of the existing track within 1 month of the proposal being completed and the overhead power lines is also necessary in order to enhance the landscape and scenic beauty of the AONB and AGLV. However, given approval would be required from statutory undertakers insofar as the power lines are concerned the condition should require that within one month of the date of this decision, details of the timescales, methodology and a programme for their removal shall be submitted and agreed and that development shall be carried out in accordance with the approved details.
23. Conditions 3 and 4 are conditions precedent and I am satisfied that such conditions are fundamental to the development to ensure that development does not occur until such matters are resolved, in the interest of the effects on the character and appearance of the AONB and AGLV.

Conclusion

24. For the reasons set out above, the proposal would not conflict with the development plan, when taken as a whole or the Framework. Material considerations do not indicate that a decision should be made other than in accordance with the development plan and having considered all other matters raised, I therefore conclude that the appeal should be allowed.

Richard Aston

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Ian Ellis	Southern Planning Practice
Mr Robert Merriman	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr Tim Bryson	Waverley Borough Council
Ms Rebecca Clarke	Waverley Borough Council

DOCUMENTS AND PLANS SUBMITTED AT THE HEARING

1. Waverley Borough Council Pre-Submission Local Plan Part 1: Strategic Policies and Sites with tracked changes.
2. Traffic data collected by Mr R Merriman.

SCHEDULE

CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans: WAV/232/IE/001, WAV/232/IE/002, WAV/232/IE/003, WAV/232/IE/005 and 1:200 'Construction of proposed new drive' cross section.
- 3) No development shall commence until details of the materials to be used in the construction of the surface of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until a detailed planting scheme showing details of the soft and hard landscaping of the site, including details of the restoration and landscaping of the existing driveway to be removed have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) All planting, seeding, turfing and other details comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.
- 6) Within 1 month of the date of the approved driveway being completed, the section of the existing access shown to be removed on drawing no WAV/232/IE/003 shall be removed in its entirety.
- 7) Within 2 months of the date of this decision, details for the removal of the overhead power lines shall be submitted to and approved in writing by the local planning authority. The details shall include a methodology, programme and timescales for their removal. Development shall be carried out in accordance with the approved details.

-----END OF CONDITIONS-----